

SHDKT

PROCEEDINGS AND ORDERS

DATE: [06/11/96]

CASE NBR: [95108836] CFH

STATUS: [GRANTED]

SHORT TITLE: [Felker, Ellis W.]

VERSUS [Turpin, Warden]

DATE DOCKETED: [050296]

*** CAPITAL CASE ***

PAGE: [01]

-----DATE-----NOTE-----PROCEEDINGS & ORDERS-----

- 1 May 2 1996 G Application (A95-890) for a stay of execution of sentence of death, submitted to Justice Kennedy.
- 2 May 2 1996 G Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due June 1, 1996)
- 4 May 2 1996 (A95-890) Temporary stay granted by Justice Kennedy.
- 7 May 2 1996 Application (A95-890) referred to the Court by Justice Kennedy.
- 9 May 2 1996 Response to application (A95-890) filed by Turpin, Warden.
- 6 May 3 1996 Petition GRANTED. The application for stay of execution of sentence of death presented to Justice Kennedy and by him referred to the Court is granted. The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The

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- 6 May 3 1996 Petition GRANTED. The application for stay of execution of sentence of death presented to Justice Kennedy and by him referred to the Court is granted. The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The parties shall submit briefs limited to the following questions: (1) Whether Title I of the Anti-Terrorism and Effective Death Penalty Act of 1966 (the Act), and in particular Section 106(b)(3)(E), 28 U.S.C. Section 2244(b)(3)(E), is an unconstitutional restriction of the jurisdiction of this Court. (2) Whether and to what extent the provisions of Title I of the Act apply to petitions for habeas corpus filed as original matters in this Court pursuant to 28 U.S.C. Section 2241. (3) Whether application of the Act in this case is a

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suspension of the writ of habeas corpus in violation of Art. I, Section 9, clause 2 of the Constitution. The parties' briefs are to be filed with the Clerk of this Court and served upon opposing counsel on or before 2

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p.m., Friday, May 17, 1996. Reply briefs, if any, may be filed with the Clerk of this Court and served upon opposing counsel on or before 2 p.m., Tuesday, May 28, 1996. The Solicitor General is invited to file a brief expressing the views of the United States. Briefs may be submitted in compliance with Rule 33.2 to be replaced as soon as possible with briefs prepared under Rule 33.1. Rule 29.2 does not apply. Oral argument is set for Monday, June 3, 1996, at 10 a.m. Dissenting opinion by Justice Stevens, with whom Justice Souter, Justice Ginsburg and Justice Breyer join.

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DATE	NOTE	PROCEEDINGS & ORDERS
8 May 3 1996		Application (A95-890) granted by the Court.
26 May 3 1996		SET FOR ARGUMENT MONDAY, JUNE 3, 1996. (1ST CASE).
10 May 14 1996 G		Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed.
11 May 16 1996 P		Application (A95-929) of the Solicitor General for leave to file an amicus curiae brief in excess of the page limitation, submitted to Justice Kennedy.
24 May 16 1996		(A95-929) Application granted by Justice Kennedy, allowing a maximum of 50 pages.
13 May 17 1996 X		Brief of petitioner Ellis Wayne Felker filed.
14 May 17 1996 X		Brief of respondent Tony Turpin, Warden filed.
15 May 17 1996 X		Brief amicus curiae of United States filed.
16 May 17 1996 X		Brief amicus curiae of American Civil Liberties Union, et al. filed.

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17 May 17 1996 X		Brief amici curiae of Criminal Justice Legal Foundation, et al. filed.
18 May 17 1996 X		Brief amici curiae of Alabama, et al. filed.
19 May 17 1996 X		Brief amici curiae of Washington Legal Foundation, et al. filed.
20 May 17 1996 X		Brief amici curiae of Orrin G. Hatch, et al. filed.
21 May 17 1996 X		Brief amicus curiae of National District Attorneys Association filed.
23 May 24 1996		CIRCULATED.
28 May 24 1996		Record filed.
	*	Record proceedings United States Court of Appeals for the Eleventh Circuit.
22 May 28 1996		Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.

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DATE	NOTE	PROCEEDINGS & ORDERS
25 May 28 1996 X		Reply brief of respondent (TBP) filed.
27 May 30 1996		Joint appendix filed.
29 Jun 3 1996		ARGUED.